

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Charles Ray Thomas, II,)	Case No.: 4:22-cv-963-JD
)	
Plaintiff,)	
)	
vs.)	
)	OPINION & ORDER
Craig Brown and W. Haigh Porter,)	
)	
Defendants.)	
)	

This matter is before the Court with the Report and Recommendation of United States Magistrate Thomas E. Rogers, III, (“Report and Recommendation” or “Report”), made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.¹ Plaintiff Charles Ray Thomas, II (“Thomas” or “Plaintiff”), proceeding *pro se* and *in forma pauperis*, brought this action against Judge Craig Brown and W. Haigh Porter, Florence County Master in Equity in relation to a state foreclosure proceeding in Florence County. (DE 1.) On April 6, 2022, after review of the Plaintiff’s Complaint pursuant to 28 U.S.C. § 1915, the magistrate filed a Proper Form Order, notifying Plaintiff of numerous issues with his complaint and giving him twenty-one (21) days to correct deficiencies by filing an amended complaint. (DE 7.) Plaintiff did not file an amended complaint within the time ordered. Subsequently, on May 25, 2022, the Magistrate Judge issued the Report, recommending Plaintiff’s action be dismissed with prejudice because Plaintiff failed to properly respond to the Proper Form Order. (DE 13.)

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Defendant filed an objection to the Report on June 9, 2022, where he apologized for not responding to the order and asked the Court for leniency. (DE 15.)

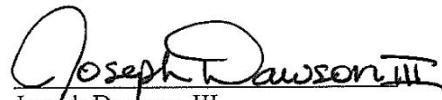
However, objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n. 4 (4th Cir. 1984). "The Supreme Court has expressly upheld the validity of such a waiver rule, explaining that 'the filing of objections to a magistrate's report enables the district judge to focus attention on those issues – factual and legal – that are at the heart of the parties' dispute.'" Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (2005) (citing Thomas v. Arn, 474 U.S. 140 (1985)). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the Court finds that Plaintiff's objection is non-specific and is unrelated to the recommendations in the magistrate judge's Report. Plaintiff merely apologizes for failing to respond to the Proper Form Order without any explanation. Furthermore, Plaintiff's objection does not offer a revised complaint or when the deficiencies will be corrected; and therefore, the objection is overruled. Accordingly, upon review of the Report and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein by reference.

It is, therefore, **ORDERED** that Plaintiff's action (DE 1) is dismissed with prejudice and without issuance and service of process.

IT IS SO ORDERED.

September 20, 2022
Florence, South Carolina


Joseph Dawson, III
United States District Judge